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C O N F I D E N T I A L SECTION 01 OF 03 CHENGDU 000012

SIPDIS

FOR EAP/CM

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SUBJECT: HUMAN RIGHTS ACTIVIST HUANG QI: ATTORNEY PROVIDES MORE
DETAILS ON COURT CASE; HOW COMMUNIST PARTY ARRANGES CONVICTIONS

REF: CHENGDU 006

CHENGDU 00000012 001.2 OF 003

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REASON: 1.4 (b)

[1](#)1. (C) Summary. The attorney of imprisoned Chinese dissident Huang Qi told Consul General January 8 that there were significant irregularities in Huang's court case, including fabricated evidence and procedural inconsistencies. Huang's appeal documents are expected to be reviewed by judges in February or March. Huang's friend explained that Huang was convicted not for revealing state secrets, but rather because Party officials were angry at his private efforts to distribute relief aid following the May 2008 Sichuan earthquake, and his web article revealing the anger -- and subsequent inhumane treatment by officials -- of parents of children who perished in the earthquake.

[1](#)2. (C) The attorney and friend also made assertions about China's court system: formally, special judiciary committees can intervene to take over court case of special interest; informally, the Communist Party's Political and Legal Affairs can also decide a case's outcome on its own, with special working groups further assisting, if needed, with fabricated evidence. End Summary.

Defense Attorney: Fabricated Evidence About "Secret" Documents

[1](#)3. (C) Consul General and ConOff met January 8 with imprisoned Chinese dissident Huang Qi's attorney, Ding Xikui, to learn further details of Huang's case (reftel). Also present were Huang's mother, Pu Wenqing, and friend and fellow activist, Liu Zhengyou. (Note: Ding works for the Beijing-based Mo Shaoping law firm, which is well known for handling human rights cases. End Note.) With the permission of Huang's mother, Ding provided CG with a copy of the Defense Counsel Statement from Huang's August 5th trial in Chengdu, and drew on it to explain the two main lines of his client's defense:

-- First, the Public Security Bureau (PSB) planted three "secret" documents on a thumb drive belonging to Huang, which was then used as "evidence" against him.

-- Secondly, these documents were not actually "secret" since they were either already publicly available, or had essentially the same substance as documents publicly available in other provinces.

14. (C) Ding explained that he had requested that a witness appear who could testify that the files could not have been placed on the thumb drive by Huang because their date of creation preceded Huang's date of purchase of the thumb drive. Despite the fact that Chinese courts commonly grant requests for defense witnesses, Ding's request was refused without explanation. (Note: Consulate will provide a complete translation of Ding's defense statement to Embassy and EAP/CM. End Note.)

Appeals Process: Closed Trial Expected

15. (C) Recalling that Huang had been convicted on November 23, 2009, Ding outlined next steps in Huang's appeal. In theory, Ding explained, a judge must consider Huang's appeal within one month and 15 days after December 22, 2009 (which may in itself be 30 days after the date of conviction). However, the judge may choose to extend this deadline by another month. The appeal process may or may not involve a second public trial (kaiting), which is up to the court to decide. Ding stated that, according to Chinese law, most appeals should be public trials but, in practice, most are closed. Ding expects Huang's appeal to be a closed, which means that three judges will simply review documents related to the case including the initial defense document, a prepared document outlining the reasons for appeal (ershenbanci), and court transcripts of the original trial.

CHENGDU 00000012 002.2 OF 003

After this, the judges will announce their verdict.

16. (C) Ding explained that a judiciary committee might also step in and intervene in the case. According to Ding, should the judiciary committee decide to intervene, the court must accept the committee's judgments. The makeup of the committee varies by case and is composed of judges from the intermediate court (zhongji renmin fayuan), including the head judge (yuanzhang), deputy head judge (fuyuanzhang), and other judges (tingzhang, zishen faguan). (Comment: One purpose of this committee in the PRC's authoritarian system appears to be to make sure political trials such as Huang's end quickly with the desired conviction. End Comment.)

Huang's Advocacy for Parents Who Lost Children
in Quake Angered Party Officials

17. (C) Liu explained that one reason Huang had run afoul of Sichuan authorities was for having independently gathered and distributed aid to victims of the Province's May 2008 earthquake. The Communist Party wanted to control the distribution of as much aid as possible, in order to maximize public credit for itself, Liu explained. Moreover, Huang had assisted parents of the students who died in the collapse of Juyuan Secondary School (Juyuan Zhongxue) in Dujiangyan to

inquire into the corruption and poor construction that ultimately led to their children's deaths.

18. (C) In a particularly disturbing anecdote, Liu explained that Huang had been in Dujiangyan to witness how local authorities responded to disgruntled parents. Dujiangyan authorities detained 50-60 of the parents involved. Of those, two groups of 7-8 parents were placed on the flatbeds of two trucks with their hands bound behind their backs, and then paraded through the streets of the city -- a brutal message to other parents not to inquire or protest further. Huang, astonished by these illegal and inhumane actions, featured the parents' story on his website, 64tianwang.com, Liu stated.

Political Trial: How Communist Party Arranges for Convictions

19. (C) Liu also provided assertions about the politicization of the Chinese legal system. Claiming to have many friends working within the judicial system, Liu said while China tries to present a pretense of the rule of law, delving beneath the surface reveals a different reality. In sensitive cases such as Huang's, he explained, the outcome is pre-decided (neiding) by Communist Party officials. In support of the Party's objective to suppress a dissident, work groups can create any document (niezao). The Party's Political and Legal Affairs Committee (zhengfa weiyuanhui) at each court ensures this outcome, he explained. (Comment: If necessary, the Party's Committee probably instructs the judicial committee noted above to intervene in a given court case to ensure the desired outcome. End Comment.)

Huang's Friend and Fellow Activist Shows

Tiananmen Photos, Claims to Be Charter 08 Signer

110. (C) Liu also outlined his participation in the Chinese human rights movement and cooperation with Huang. They initially met when Liu's girlfriend and Huang worked together on a human rights case in 2007. Liu became a dissident through his participation in the 1989 student movement; he witnessed its violent suppression on June 4th around Tiananmen Square. He showed Consul General a number of gruesome images of students

CHENGDU 00000012 003.2 OF 003

crushed by tanks, including a photo of a young man with a large section of flesh gorged from his back. Liu compared June 4th to the level of cruelty to Hitler's Germany. Liu mentioned that while he had been detained and questioned three times for his human rights activism, he had never been imprisoned. Liu also claimed to be a signer of Charter 08 (a human rights declaration drafted by Liu Xiaobo, who on December 25, 2009 was convicted of incitement for to overthrow state power, largely for his work on Charter 08).

Desire for Huang's Son to Study in United States

¶11. (C) At the conclusion of the meeting, Pu reiterated the family's desire to send Huang's son to the U.S. for university study and requested the Consulate's assistance in realizing this wish. She said that, as elderly woman with many medical ailments, she did not have the means to pay for her grandson's education. She emphasized that her grandson could not go to university in China, particularly since he was constantly harassed in school. CG confirmed to Pu that he had arranged for her grandson to meet with PAO to discuss study in the United States.

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